IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

–

WRIT PETITION NO : 28877 of 1995

Between:

1 Munigala Balaiah S/o Rajaiah
residents of Veldi Vilage, Malakondur Mandal, Karimnagar Dist.,
2 Munigala Komariah S/o Balaiah
residents of Veldi Vilage, Malakondur Mandal, Karimnagar Dist.,
3 Munigala Narasiah S/o Balaiah
residents of Veldi Vilage, Malakondur Mandal, Karimnagar Dist.,

..... PETITIONERS

AND

1 The District Collector, Karimngar
2 The Revenue Divisional Officer,Karimnagar
3 The Executive Engineer CADA, Karimnagar

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents herein in laying the Road (CABA Road No.13) through the lands of the petitioners without initiating any proceedings under Land Acquisition Act as illegal, arbitrary and violative of Art.300A, 31A and Art.21 of constitution of India, further this Hon'ble Court may be pleased to direct the respondents herein to initiate proceedings under Land Acquisition Act and pay compensation according to the present market value for the land covered by the CADA Road No.13.

Counsel for the Petitioners: MR.Y.RAMA RAO

Counsel for the Respondent Nos 1 to 3.: GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

This writ petition has been filed assailing the impugned action of the respondents herein in laying the road (CADA road No.13) through the lands of the petitioners situated at Veldi village, Malakondur Mandal Karimnagar District, without initiating any proceedings under the Land Acquisition Act and seeking a direction to the respondents to initiate Land Acquisition proceedings and pay compensation according to the present market value for the land covered by CADA road No.13.

The brief facts of the case are as follows:

The petitioners being the absolute owners and possessors, jointly cultivating the land admeasuring 4 acres in Sy.No. 790 situated at Veldi village. It is the case of the petitioners that the respondents, without initiating any proceedings as contemplated under the Land Acquisition Act, have laid a road through the lands of the petitioners, that is numbered as CADA Road No.13 which resulted the petitioners to forego nearly an extent of Ac 1.00 cents, and as such they were deprived of their property and also livelihood. Under the above circumstances, the writ petitioners sought a direction against the respondents to initiate the Land Acquisition Proceedings and pay the compensation to them according to the present market value. Hence, the writ petition.

Learned Counsel for the petitioners submitted that due to the laying of the road through the lands of the petitioners, without initiating the land Acquisition Proceedings, the petitioners had lost 1 acre of land and as such they are entitled for compensation from the respondents by initiating the land acquisition proceedings for acquiring the land of the petitioners.

Having regard to the submissions made that the petitioners have lost 1 acre of land in laying the road (CADA Road No.13) through their lands without being paid compensation, it would suffice, if liberty is given to the petitioners to make appropriate application before the respondents herein seeking appropriate relief for payment of compensation if they so desire.

With the above said observations, the writ petition is disposed of. No costs.

23rd December 2004

Kvrk

To

1. The District Collector, Karimngar
2 The Revenue Divisional Officer,Karimnagar
3 The Executive Engineer CADA, Karimnagar

4. Two CCs to GP for Land Acquisition, High Court Buildings, Hyd.(OUT)

5. Two CD copies.